

Board of Selectmen's Meeting Minutes

May 20, 2010

Harpswell Town Office

Approved on June 3, 2010

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At 5:30 p.m. the Board met to handle administrative matters: the Board signed a pole permit for Central Maine Power; a Fire Department group use form for use at Mitchell Field was approved with one modification; purchase orders were reviewed and signed; the Board agreed with sole sourcing with C.N. Brown for home heating fuel; and Selectman Multer asked that staff work on ordinance language to except certain items from the definition of a structure such as a residential generator and a certain size permanently installed barbecue.

Selectmen Present: James S. Henderson, Mark E. Wallace and Elinor Multer

Staff Present: Kristi Eiane, Town Administrator; Bill Wells, Code Enforcement Officer; and Marguerite Kelly, Treasurer

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:30 PM.

The meeting was videotaped and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Henderson moved, seconded by Selectman Wallace to amend and adopt the agenda by moving items 7, 10 and 11 to before public comment; motion passed 3-0.

2. Public Comment: Chairman Henderson reminded the public that comments are welcome on items not on the agenda but that defamatory comments about individuals or complaints about Town staff members are not permissible as such complaints can be filed with the Board separately. Comments regarding policy or board members are permitted and the comment period is designed for about 5 minutes. For more than 5 minutes one should request to be placed on the agenda. David I. Chipman announced he is running for the legislature and encouraged all to vote. Robert McIntyre handed out copies of statements and requests he made at previous School Board meetings. Mr. McIntyre stated the Town should be using information it has available to project enrollment figures for West Harpswell School. Selectman Multer noted the Department of Education develops annual lists of rules that might be changed. Selectman Multer stated she doesn't believe the Selectmen agreed to what Mr. McIntyre said they did regarding the budget and asked what he had to support his statement. Mr. McIntyre read an excerpt from the Board's letter to Commissioner Gendron that he said supported his written statement to the School Board. Selectman Multer disagreed saying his statement was misleading.

3. Town Administrator's Report: Administrator Eiane reminded the public that the Recycling Center will be closed on Tuesday so that the compactors can be repainted and that the Transfer Station will be open. Administrator Eiane announced that the annual budget meeting for M.S.A.D 75 will be held Thursday, May 27 at 6:30 p.m. at the Orion. The Town Clerk's office will close at 4:30 on May 27 to allow attendance at that meeting. Administrator Eiane reported the pipes that previously lead from Mitchell Field to the Naval Air Station have been removed. The contractor will remain responsible, for a year, for the affected areas from the removal project. The easements will not be extinguished immediately as soil monitoring is required for a time period. The Town didn't receive many complaints during the project and it progressed much quicker than anticipated and appears to have been successful.

4. Selectmen's Announcements: None.

5. Consent Agenda: **1) Approval of the Minutes;** Chairman Henderson moved, seconded by Selectman Multer to approve the minutes; motion passed 3-0. **2) Re-Consider Request for Proposals for Forklift to Eliminate Lease Option:** Chairman Henderson moved, seconded by Selectman Multer to remove the lease language from the request for proposals for the forklift; motion passed 2-0 (Selectman Wallace abstained).

6. Timothy Crosta Wharf Application, 486 Basin Point Road, Map 17, Lot 22: William Wells, Code Enforcement Officer, presented the application for an access platform and set of stairs. A wharf on-site hearing was conducted. The neighbor to the south has signed off on a reduction to the 25-foot setback and the stairs will be removed during non-season and stored on the platform. Chairman Henderson opened the public hearing and closed it after no comments were received. Chairman Henderson moved, seconded by Selectman Wallace to approve the application as it does not present a hazard to navigation nor does it unreasonably infringe upon the rights of others; motion passed 3-0.

7. Treasurer's Report: Marguerite Kelly, Treasurer, reviewed her monthly report for April (attached). Ms. Kelly reported that the taxpayer with whom the Town had a Land Purchase Installment Contract has paid the 2006, 2007 and 2008 taxes, interest and costs in full. A release deed cannot be issued until the 2009 taxes are resolved. Ms. Kelly commented on leasing capital items versus the Town buying outright.

8. Consider Amendment to Interest Policy on Transfer Station Charges: Administrator Eiane explained this change is to clarify when interest would be charged on transfer station charges. Administrator Eiane provided an example that for December charges, the bill will be mailed early January and if not paid by the February billing, the interest rate will be applied retroactively to the January bill date. Selectman Multer moved to table the item. Administrator Eiane noted that if one has been long overdue paying charges, privileges to charge are suspended. Selectman Multer suggested the bill should set a payment due date and then assess late fees. Chairman Henderson seconded the motion to table; motion passed 3-0.

9. Urban/Rural Initiative Program with Dept. of Transportation (DOT) Re: Cundy's Harbor Road: Kyle Hall, Southern Region Engineer for DOT, explained that the Cundy's Harbor Road is a State Aid minor collector road. The State is responsible for summer maintenance and the Town for winter maintenance and capital improvements. The Urban/Rural Road Initiative Program (RRI) is a partnership between DOT and a municipality where the Town would contribute 33% and the State 66% for a capital project with a maximum cost of \$600,000. The State would be responsible for the engineering, permitting, surveying and construction of a project. Mr. Hall stated that when he first approached Administrator Eiane in January, he stated Cundy's Harbor Road was selected and approximately .40 of a mile could be rebuilt for \$600,000 with the best methods, requiring a 4-rod width road. Since then, Mr. Hall has re-evaluated the situation and believes by changing the method of reconstruction, he can do approximately a mile. This method would involve minimum engineering standards, grinding the existing pavement with new pavement on top, clearing the ditches, trees and replacing culverts. This method would have a 10-year life and the previously suggested method has a 20-year life. Selectman Wallace expressed concerns about the first part of Cundy's Harbor Road that the State did 10 years ago with the edges and asked that this project pay particular attention to that. Mr. Hall noted that if the Board approves proceeding, the Town and DOT will work together to finalize the plan and details, scheduled to begin in the 2010-2011 year, starting July 1. Bob Venard, Road Commissioner, stated he supports the proposal as the population served is far greater than any Town Road that was being considered for capital plans this year. Mr. Venard stated the State's policy is to either work on a capital plan together or that the municipality be responsible fully for capital improvements. Mr. Hall noted this is the last RRI project in the pipeline for Region One. Chairman Henderson moved, seconded by Selectman Wallace to accept the current proposal from DOT to reconstruct at least 1.25 miles of Cundy's Harbor Road with the details to be worked out with the Administrator and the Road Commissioner. Selectman Multer wanted to make it clear that the Town previously misunderstood the State policy and that if the Town doesn't participate now then the road will not be done by the State and this road appears to be in worse shape than other roads the Town was considering improving this year. Motion passed 3-0.

10. Comprehensive Plan Implementation Committee Update: Louise Huntington, chair of Comprehensive Plan Implementation Committee, stated a public meeting will be held on June 2 at 7:00 p.m. at Harpswell Islands School. In preparation of the meeting, a television program will be created and aired. Ms. Huntington

explained the Committee has been working with the consultant to develop growth and rural district areas and appropriate ordinance amendments.

11. Energy Committee Proposal Re: Street Lighting Reduction Criteria: David I. Chipman, chair of Energy Committee, reported that at the request of the Selectmen, the Committee looked at the street light usage in Harpswell and the Town's costs (approximately \$28,000 a year). The Committee developed criteria for addressing the issue. Mr. Chipman read the recommendations. Mr. Chipman introduced Tad Bond, a Scout, working on his Eagle Scout project who would like to study the street light use in Harpswell. Mr. Bond reviewed his proposal. Mr. Henderson asked that the information Mr. Bond may gather such as GPS be provided to the Town Planner. The Board thanked Mr. Bond for his commitment. Chairman Henderson moved, seconded by Selectman Wallace to adopt the street lighting policy; motion passed 3-0,

12. Open Responses to Request for Proposals for Pumper Truck: The following bids were opened: Greenwood Emergency Vehicles \$372,075; and Ferrara Fire Apparatus Inc. \$362,073. Chairman Henderson moved, seconded by Selectman Wallace to refer the bids to the Emergency Vehicles Committee for consideration and recommendation; motion passed 3-0.

13. Consider Harpswell Shindig Request for Use of Mitchell Field: Alison Hawkes and Stacy Welner stated they are proposing a Sunday event to coincide with the Festival with more focus directed to the fishing industry, incorporating viewing of the boat races. Chairman Henderson inquired whether this was a formal organization; Ms. Welner stated it is she and Ms. Hawkes with a lot of help from Festival volunteers. Chairman Henderson expressed concern regarding insurance and liability issues that two individuals may face. Administrator Eiane explained the request includes asking the Town to sponsor the event and therefore, having the Town's liability insurance cover the event. Ms. Welner stated they are hoping the Festival takes over for next year by making it a two-day event. Chairman Henderson moved, seconded by Selectman Wallace to approve the application by Alison Hawkes and Stacy Welner with waivers to the fees and with Town insurance coverage. Chairman Henderson and Selectman Wallace withdrew the motion and second. Chairman Henderson moved, seconded by Selectman Wallace to approve the application submitted by Alison Hawkes and Stacy Welner, operating as Harpswell Shindig, for the Use of Mitchell Field for a community event on Sunday, July 25; agrees to sponsor the event; waive provisions of the Group Use Policy that require payment of an advance deposit fee and payment of a per person attendance fee; that the Board agrees to allow amplification of sound as described in the application; the use of motorized vehicles; and that Harpswell Shindig will be responsible for monitoring shorefront activity and for preventing unauthorized access to the pier; motion passed 3-0.

14. Consider Youth Group Request for Use of Mitchell Field: Chairman Henderson referenced a memo from the Deputy Administrator suggesting the Board determine whether this request is subject to the Group Use Policy or instead that it may only require permission for a hike after dark. Chairman Henderson and Selectman Multer agreed the request requires an exception to the rules only. Chairman Henderson moved, seconded by Selectman Multer to approve the use of Mitchell Field on June 4 (or June 11) for a night-time hike by the West Harpswell Baptist Youth Group; motion passed 3-0

15. Consider Setting an Administrative Fee for Collecting Dog License Late Fees: Administrator Eiane explained the dog license registration late fees are mandated by the State and that the issue before the Board is to consider setting an administrative fee proposed at \$10. This fee was in the prior Animal Control Ordinance known as an Officer's fee and now named an administrative fee to help defray the process costs for the Animal Control Officer to track down owners of unlicensed dogs in order to get the dogs registered. Administrator Eiane stated the Board could set other costs such as a fine for barking dogs and she spoke with the Animal Control Officer (ACO) who stated there are not many complaints in this area. The administrative fee of \$10 will be added to a dog owner's fees after January 31 for unlicensed dogs when the ACO is required to follow-

up. Alison Hawkes stated the \$25 late fee plus a \$10 administrative fee is extreme for a \$6 dog license fee and suggested the Town promote the on-line dog licensing function. Chairman Henderson moved, seconded by Selectman Multer to set the administrative fee at \$10; motion passed 3-0.

16. Review Deed of Gift Form: Chairman Henderson stated this draft has been reviewed by the attorney and he suggested adding the value of the donated materials and basis for the value onto the form. Selectman Multer stated the donor may want to increase the value for tax purposes and she's not sure the donor should be asked to determine the value. Selectman Multer suggested she would work with staff to develop a cover letter, giving thanks, to the donor and to make a few modifications to the deed of gift form. Chairman Henderson moved, seconded by Selectman Wallace to table this item; motion passed 3-0.

17. Committee Appointment(s): Chairman Henderson moved, seconded by Selectman Multer to appoint Alison Hawkes to the Budget Advisory Committee to 2012; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to appoint Susan Lowery, Megan Hubbard and Jan Coombs as Wardens for June 8; Signe Daniel, Pat Leary, Tom Rothwell and Melissa Moretti as deputy wardens for June 8; Jan Coombs as Warden and Tom Rothwell as Deputy Warden for June 7; motion passed 3-0.

18. Other Business: Selectman Multer asked if the Board had to act on the Deputy Tax Collector's request re: discharging specific personal property taxes. This item will be addressed at the next meeting.

19. Authorization of the Warrant: Chairman Henderson moved, seconded by Selectman Wallace to authorize warrant #31 in the amount of \$102,140.14; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to authorize warrant #32 in the amount of \$1,199.69; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #21 in the amount of \$14,640.60 was noted for the record.

20. Adjournment: The meeting adjourned by unanimous vote at 8:15 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Treasurer's Report
[Attachments are available at the Town Clerk's Office or by email at harpswell@zwi.net]